

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

B-219853.2

FILE:

DATE: September 27, 1985

MATTER OF:

Julie Research Corporation, Inc.--
Reconsideration

DIGEST:

Prior decision dismissing as untimely protests of agency's sole-source awards is affirmed since protests were filed approximately 6 months after date of publication in the Commerce Business Daily of notice of the intended sole-source awards and protester raises no new facts or legal arguments which were not previously considered.

Julie Research Laboratories, Inc. (JRL) requests reconsideration of our decision Julie Research Laboratories, Inc., B-219838, B-219853, Sept. 4, 1985, 85-2 CPD ¶ _____. Our decision dismissed as untimely JRL's protests alleging that two sole-source contract awards were improper. JRL did not file its protests until approximately 6 months after the dates notices of the intended awards were published in the Commerce Business Daily (CBD). Since our Bid Protest Regulations at 4 C.F.R. § 21.2(a)(1) (1985) require that protests of alleged solicitation improprieties be filed prior to the closing date for receipt of proposals, we dismissed the protests as untimely. JRL contends that it acted in a timely manner after becoming aware of the actual contract awards. JRL also complains that our Bid Protest Regulations should not be utilized to shield agencies from clear violations of procurement law.

JRL's original protests were properly dismissed as untimely. The CBD notices specified the respective closing dates for receipt of proposals. As stated in our prior decision, publication of a procurement in the CBD constitutes constructive notice of the solicitation and its contents, and where the synopsis contains a

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closing date, any protest of the sole-source decision must be filed before that date. Detroit Broach and Machine--Reconsideration, B-213643.2, July 12, 1984, 84-2 CPD ¶ 43. Accordingly, JRL is charged with notice of the intended sole-source awards and should have filed its protests prior to the respective closing dates. Since JRL's protests were not filed until approximately 6 months later, they are untimely and will not be considered.

With respect to JRL's complaint regarding our Bid Protest Regulations, we point out that the regulations are intended to provide protesters and others a fair opportunity to present their cases while minimizing disruption of the government's procurements. J. M. Security Service, B-218207.2, May 3, 1985, 85-1 CPD ¶ 498. The reason for requiring protesters to file protests involving apparent improprieties before the closing date is to permit us to consider the allegations while corrective action, if indicated, is most practicable and, thus, least burdensome on the conduct of the procurement. Federal Data Corp., B-211357, Sept. 7, 1983, 83-2 CPD ¶ 309. For us to consider JRL's protests at this late date would render meaningless the stated purpose behind our timeliness rules.

Accordingly, our prior decision is affirmed.

Harry R. Van Cleve
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General Counsel